

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JERRY STRANGE, as next friend of	)	
JASON STRANGE, JR., a minor, and	)	
CANDICE STRANGE, surviving children	)	No. 3-13-0308
and next-of-kin of Jason Strange,	)	
deceased	)	
	)	
v.	)	
	)	
CITY OF SPRINGFIELD, TENNESSEE;	)	
CHRISTOPHER BERRY; ANDREW	)	
COBB; and RICKI HEATHERLY,	)	
individually and in their official capacities	)	
as employees of the City of Springfield	)	

INITIAL CASE MANAGEMENT ORDER # 2

By contemporaneously entered order, the Court has approved and entered the parties' proposed initial case management order, with modifications addressed at the initial case management conference held on May 20, 2013. Those modifications and other matters addressed on May 20, 2013, are as follows:

1. The time for the defendants to file responses to the plaintiffs' complaint is extended to July 24, 2013.
2. Although at least some of the defendants initially sought a stay of proceedings until the file of the TBI investigation is provided to all counsel, after discussion, it appeared that an extension of time to file answers would be sufficient and, if additional time is necessary, plaintiffs' counsel advised that he would agree to an additional reasonable extension of time.

If, however, the defendants are unable to serve responses to the complaint or initial disclosures in accord with Rule 26(a)(1) of the Federal Rules of Civil Procedure by July 24, 2013, or by any necessary agreed upon extended deadline because the parties have not been provided

copies of the TBI file, counsel shall schedule further proceedings with the Magistrate Judge in court or by telephone.<sup>1</sup>

3. The contemporaneously entered order provides that the parties shall complete all written discovery and depose all fact witnesses by December 2, 2013. That means that written discovery shall be served in sufficient time so that responses are served by December 2, 2013.

4. Counsel for the parties shall convene a telephone conference call with the Court on **Friday, November 1, 2013, at 10:00 a.m.**, to be initiated by plaintiffs' counsel, to address the status of the case, establishing deadlines for filing any discovery motions or scheduling a conference call with the Court about any discovery issues and for filing a joint mediation report,<sup>2</sup> the potential for settlement, propriety of ADR, and any other appropriate matters.

As provided in the contemporaneously entered order, the deadline for filing any dispositive motion is June 16, 2014. Any response shall be filed within 28 days of the filing of the motion or by July 14, 2014, if the motion is filed on June 16, 2014. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by July 28, 2014, if the response is filed on July 14, 2014.

No other filings in support of or in opposition to any dispositive motion shall be made after July 28, 2014, except with the express permission of the Honorable Todd J. Campbell.

There shall be no stay of discovery before the December 2, 2013, deadline for completion of fact discovery or the May 16, 2014, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

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<sup>1</sup> As provided in the contemporaneously entered order, the TBI investigation relating to the death of the plaintiffs' decedent has been completed and no indictment was issued by the Grand Jury. However, another District Attorney is reviewing the matter to determine whether or not to present the case again to the Grand Jury. General Alsobrooks expects his investigation to be completed within 60-90 days.

<sup>2</sup> Although the need for these deadlines was raised on May 20, 2013, the discussion was sidetracked onto other matters and specific deadlines were not set.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

Based on the above scheduling, it is recommended that a jury trial be scheduled no earlier than November 5, 2014. The parties estimate that the trial will last 4-5 days, and they request that the trial be scheduled in November of 2014, since they have scheduling conflicts in December of 2014.

It is so ORDERED.

  
JULIE T GRIFFIN  
United States Magistrate Judge